

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Petitioner/Appellee

vs.

JAMES KEVIN KERGIL,

Defendant/Appellant

Case No. 12-cr-00152-CM

FPC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
FILED: SEP 29 2017

NOTICE OF APPEAL

PLEASE TAKE NOTICE that James Kevin Kergil, the defendant herein who is incarcerated at FPC Canaan, hereby appeals to the United States Court of Appeals for the Second Circuit (i) that Decision and Order entered in the captioned case on August 16, 2017, denying his request to have his sentenced reduced, and (ii) that decision filed September 5, 2017 denying the Defendant's request for reconsideration of the Decision and Order referenced above.

For the Defendant/Appellant: JAMES KEVIN KERGIL, *Pro Se*  
Registration No. 66387-054  
FPC Canaan  
P.O. Box 200  
Waymart, PA 18472

For the United States of America: Sarah E. McCallum, Esq.  
U.S. Attorney's Office  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dated: September 16, 2017

Respectfully submitted,

James Kevin Kergil, *Pro Se*  
Registration No. 66387-054  
FPC Canaan  
P.O. Box 200  
Waymart, PA 18472

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, )

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JAMES KEVIN KERGIL, )

Defendant/Appellant )

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Case No. 12-cr-00152-CM

**UNSWORN DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. §1746**

I hereby declare under penalty of perjury as follows:

- 1) I am incarcerated at FPC Canaan in Waymart, PA and have been since July 10, 2016.
- 2) On September 16, 2017, I deposited the foregoing Notice of Appeal with sufficient first class postage affixed into the mail collection box located in my housing unit. Thus, under F.R.A.P. 4(c)(1), my Notice of Appeal is deemed timely filed.
- 3) Simultaneously with mailing the Notice of Appeal to the court, I served a copy of the Notice of Appeal upon the following by first class mail, postage pre-paid:

Sarah E. McCallum, Esq.  
U.S. Attorney's Office  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dated: September 16, 2017

Respectfully submitted,

James Kevin Kergil, *Pro Se*  
Registration No. 66387-054  
FPC Canaan  
P.O. Box 200  
Waymart, PA 18472

JAMES KEVIN KERGIL, *Pro Se*  
Registration No. 66387-054  
FPC Canaan  
P.O. Box 200  
Waymart, PA 18472

September 16, 2017

Clerk, United States District Court  
For the Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Dear Sir or Madam:

Enclosed for filing is a Notice of Appeal relating to the referenced case. Inasmuch as I am incarcerated and am appearing *pro se*, I ask that you waive any electronic filing requirement.

Thank you for your assistance.

Very truly yours,

James Kevin Kergil, *Pro Se*  
Registration No. 66387-054  
FPC Canaan  
P.O. Box 200  
Waymart, PA 18472

cc: Sarah E. McCallum, Esq. (w/ enclosure)

James Kevin Kergil  
Reg. No. 66387054  
Federal Prison Camp Canaan, Unit G  
PO Box 200  
Waymart, PA 18472

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*Appeal*  
*mk*

Clerk of the Court  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

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USDNY

